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PLEASE REPLY TO WASHINGTON, D.C. OFFICE

March 21, 2000

**ADAM R. BROWNSTEIN**  
VOICE MAIL EXTENSION (202) 298-2535  
e-mail: abrownstein@gsblaw.com  
Admitted in VA; Admission Pending in DC

**Via Hand Delivery**

Ms. Magalie R. Salas, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
TW-A325  
Washington, DC 20554

Re: Reply Comments of Halstead Communications, Inc.  
to Counterproposal of Meadowlark Group, Inc.  
MM Docket No. 00-6, RM-9791

Dear Ms. Salas:

Transmitted herewith on behalf of Halstead Communications, Inc., licensee of Radio Station KPNY(FM), Alliance, Nebraska, are an original and four copies of its "Reply Comments to Counterproposal of Meadowlark Group, Inc." in accordance with Sections 1.419 and 1.420 of the Commission's Rules. Additional copies of the pleading are also being delivered, either by hand or by U.S. first-class mail, to each of those listed on the attached Certificate of Service.

If there are any questions concerning this submission, kindly communicate directly with this office.

Very truly yours,



Adam R. Brownstein

Enclosures  
ARB:cl

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Before The  
**Federal Communications Commission**  
Washington, D.C. 20554

RECEIVED  
MAR 21 2000  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MM Docket No. 00-6  
FM Broadcast Stations ) RM-9791  
(McCook, Nebraska) )

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**REPLY COMMENTS TO COUNTERPROPOSAL OF  
MEADOWLARK GROUP, INC.**

Halstead Communications, Inc. ("Halstead"), licensee of KPNY(FM), Alliance, Nebraska ("KPNY"), by its attorneys and pursuant to 47 C.F.R. § 1.420, respectfully submits its Opposition to the Counterproposal of the Meadowlark Group, Inc. ("Meadowlark"), permittee of Station KAVD(FM), Limon, Colorado, dated March 6, 2000, to the *Notice of Proposed Rule Making*, MM. Docket No. 00-6, released January 12, 2000 ("NPRM"), in the above-captioned rule making proceeding.

**Background**

McCook Radio Group, LLC ("Petitioner"), requested the Commission to allocate Channel 271C1 to McCook, Nebraska, as the community's fifth local FM service. In response to the NPRM, Meadowlark now submits a Counterproposal, which seeks the following changes to the FM Table of Allotments:

<u>Community</u>	<u>Existing</u>	<u>Channel</u>	<u>Proposed</u>
Aspen, CO	249C3		276C3
Avon, CO	276C2		249C2
Limon, CO	276C1		-----
Parker, CO	-----		276C

Westcliffe, CO (vacant)	276A	227A
<b>Alliance, NE</b>	<b>271C1</b>	<b>263C1</b>
Imperial, NE (unbuilt)	275C	271C

Halstead does not believe that the proposed channel change for KPNY would serve the public interest.

**Meadowlark’s proposal to Substitute Channel 263 at Alliance Would Not Serve the Public Interest Because Operations on that Channel Would Result First Adjacent Channel Interference to KPNY’s Signal With the 60 dBu Contour.**

Channel 263 is not equivalent to KPNY(FM)’s current channel 271. Under 47 C.F.R. § 1.420(g)(2), Meadowlark must provide an equivalent channel for KPNY’s use. Channel 263 is not equivalent to KPNY’s current frequency. As set forth in attached Engineering Statement prepared by R. Lee Wheeler (“Statement”), the proposal at Alliance would create interference to KPNY’s signal and is bound to reduce the size of KPNY’s listening audience in a key market. The largest market within the KPNY’s 60 dBu coverage area is Scottsbluff, Nebraska. Despite the fact that the signal in Scottsbluff is affected by intervening terrain, KPNY’s signal reaches Scottsbluff and is free from co-channel and first-adjacent channel interference. As set forth in the Statement, operations on Channel 263 at Alliance would impede reception of KPNY’s signal by listeners within the Scottsbluff area. Meadowlark’s proposed changes would thus require KPNY to operate on a non-equivalent channel.<sup>1</sup> *See, In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Vero Beach, Florida), 4 FCC Rcd. 2184 (1989).*

According to the Statement, changing from Channel 271 to Channel 263 would result in KPNY’s experiencing “massive interference” within its 60dBu. The interference

will be caused by first adjacent station KOLZ(FM), Cheyenne, Wyoming and will surely result in a loss of audience within the Scottsbluff area, a market from which the station garners substantial ad revenues and its largest listening audience. Thus, Meadowlark's Counterproposal will cause KPNY injury which cannot be alleviated by reimbursement of expenses Halstead would incur by changing channels. (*Counterproposal*, p. 10). The loss of its listening audience in the key market of Scottsbluff, Nebraska, would permanently impair the profitability of KPNY and KPNY's ability to continue providing high quality programming to its audience. Accordingly, Meadowlark's proposal for a channel change at Alliance should not be approved.

Respectfully submitted,

**HALSTEAD COMMUNICATIONS,  
INC.**

By: 

Henry A. Solomon  
Its Attorney

Garvey, Schubert & Barer  
1000 Potomac Street, NW  
Fifth Floor  
Washington, DC 20007  
(202) 965-7880

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<sup>1</sup> Additionally, KPNY has been operating on Channel 271 in Alliance, Nebraska for 18 years. In that time it has gained a strong identity among its listeners.



# WHEELER BROADCAST CONSULTING

## ***Engineering Statement***

### **Objection to Proposed Channel Change KPNY - Alliance, NE**

This consultant has been retained by Halstead Communications, Inc., licensee of KPNY in Alliance, NE, for the purpose of preparing technical support to its objection to a change in its licensed operating frequency proposed by The Meadowlark Group, Inc. (Meadowlark) in its counterproposal in RM 97-91.

In its counterproposal, Meadowlark proposed, among several other channel changes, to substitute Channel 263 C1 for Channel 271 C1 at Alliance, NE and modify the KPNY license accordingly. Searches of the Commission's FM database, such as it is, made by this firm confirm that Channel 263 C1 is in fact available for allocation at the licensed KPNY tower site in compliance with the minimum spacing requirements of 47 CFR 73.207.

A further investigation of the proposed reallocation of KPNY's channel, however, reveals that the proposed Channel 263 C1 substitute is not an equivalent channel for KPNY due to first adjacent channel interference that KPNY would suffer in key market areas. In order to determine expected interference digitally generated maps were created which show the predicted interference to KPNY's existing Channel 271 operation and the predicted interference that would be received on the proposed Channel 263 substitute. Copies of those maps are included in this report as Exhibits 1 and 2.

The largest market in the KPNY 60 dBu coverage area is Scottsbluff, NE. Although KPNY suffers from a weak signal in Scottsbluff due to intervening terrain the weak signal is, non the less, free from co-channel and first adjacent channel interference.

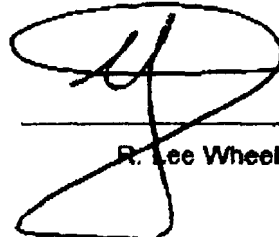
6025 MARTINWAY  
SUITE 112  
MISSION, KS 66202  
913.362.7282  
913.362.7287

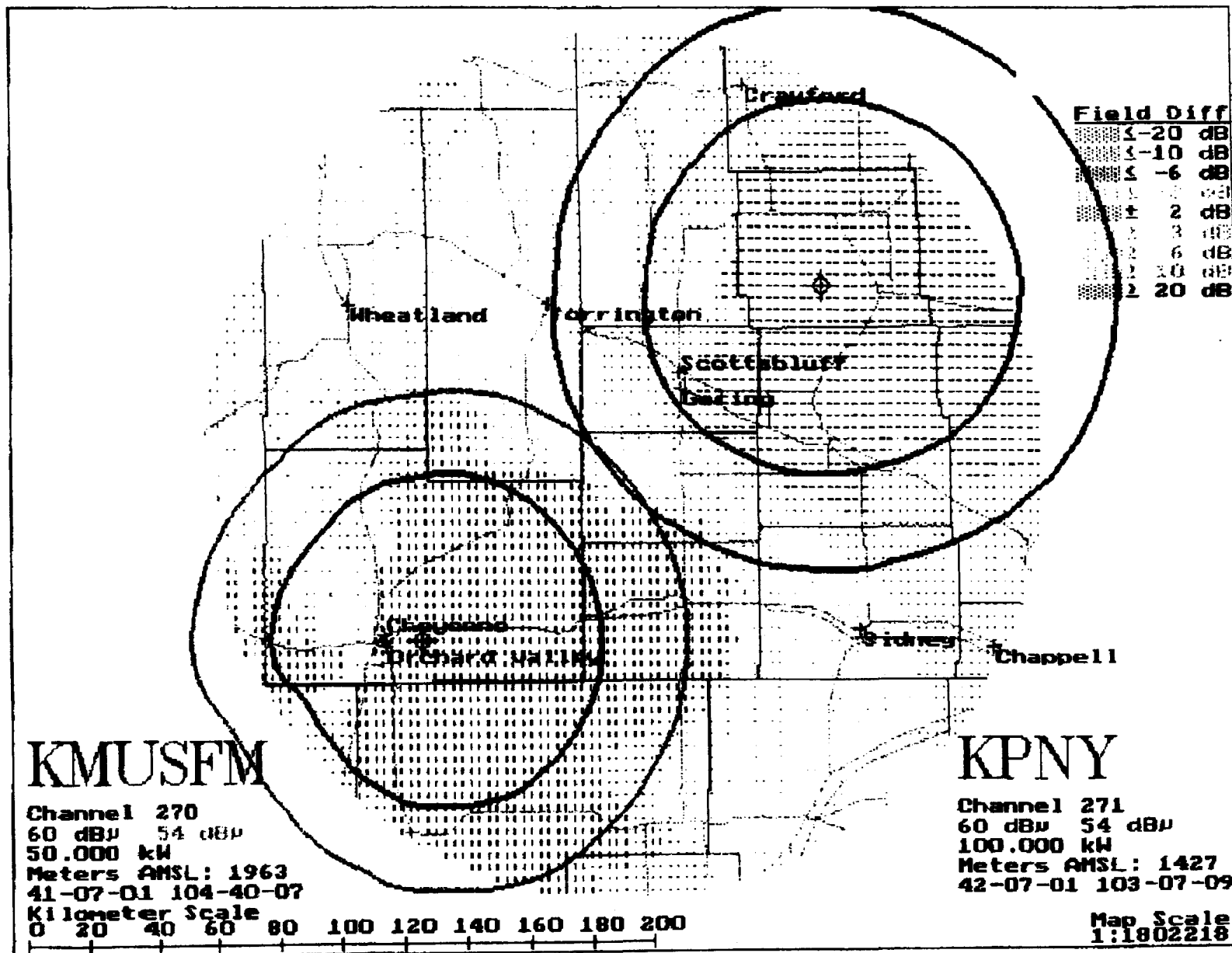
The map in Exhibit 1 shows the 60 dBu and 54 dBu contours, calculated in accordance with 47 CFR 73.313, of KPNY and KMUS-FM in Burns, WY and, as well as the actual predicted signal ratios when predicted via the Bullington total terrain methods. As shown in Exhibit 1, at all points within the KPNY protected 60 dBu contour on Channel 271, the desired to undesired ratio between KPNY and KMUS-FM is within  $\pm 2$  dB and the desired to undesired ratio in the Scottsbluff market area are 6 dB or greater. Similarly the predicted 60 dBu and 54 dBu contours of KPNY, operating on Channel 263, and the first adjacent channel operation of KOLZ in Cheyenne, WY are predicted and plotted in Exhibit 2. The Bullington method ratios are also included in Exhibit 2. As shown in Exhibit 2 if KPNY were forced to Channel 263 as proposed it would receive massive interference from KOLZ within its 60 dBu protected service area and in its key market. The Bullington models predict that the desired to undesired ratios are in fact 9 dB higher than the - 6 dB prescribed for non interference between 1<sup>st</sup> adjacent channel stations. KOLZ is predicted to have a signal 3 dB stronger than the KPNY signal rather than 6 dB below the KPNY signal as required.

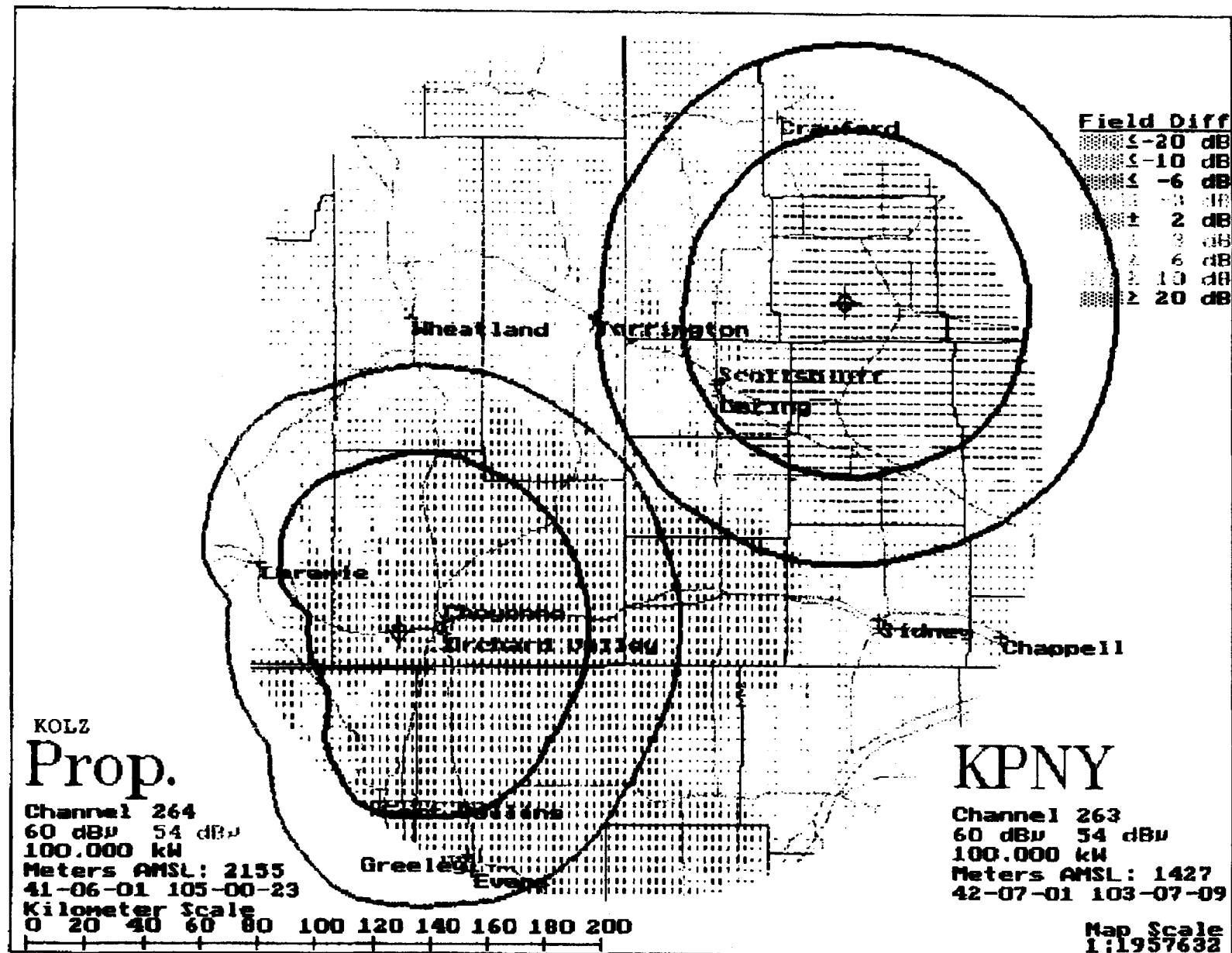
Inasmuch as Meadowlark has not proposed any change to KOLZ in its counterproposal its proposed reallocation of the KPNY channel would result in devastating and permanent injury to KPNY in its most vital market area and within its predicted 60 dBu interference free service area.

All information contained within this report is true and accurate to the best of my belief. Having had numerous matters before the Commission, my qualifications are a matter of record.

3/16/00  
Date

  
R. Lee Wheeler







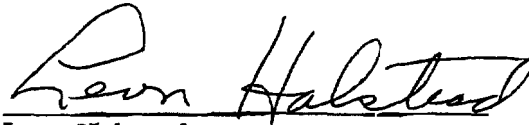
**DECLARATION OF LEON HALSTEAD**

Leon Halstead declares as follows:

1. I am the President of Halstead Communications, Inc., licensee of KPNY(FM), Alliance, Nebraska.
2. I have reviewed the attached Reply Comments to Counterproposal of Meadowlark Group, Inc.

I declare under penalty of perjury that the foregoing Reply Comments to Counterproposal of Meadowlark Group, Inc. is true and correct.

Executed March 20, 2000.



Leon Halstead  
President, Halstead Communications, Inc.

### CERTIFICATE OF SERVICE

I, Cindy Lloyd, an employee of the law firm of Garvey, Schubert & Barer, hereby certify that on this 21<sup>st</sup> day of March, 2000, copies of the foregoing "Reply Comments to Counterproposal of Meadowlark Group, Inc." have been served by U.S. first-class mail, postage prepaid, or by hand delivery upon the following:

Ms. Nancy V. Joyner\*  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room 3-A522  
Washington, DC 20554

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McCook Radio Group, LLC  
1811 West "O" Street  
McCook, NE 69001  
(Petitioner for McCook, NE)

Anthony S. Brandon, President  
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L.L.C.  
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Bakersfield, CA 93302  
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Colorado)

Mark N. Lipp  
Shook, Hardy & Bacon  
600 14<sup>th</sup> Street, NW, Suite 800  
Washington, DC 20005  
(Counsel to The Meadowlark Group,  
Inc.)

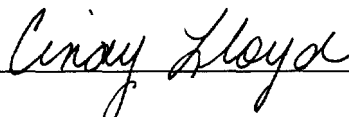
\* Denotes Hand Delivery

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Cindy Lloyd